

RESOLUTION NO. 2011-27

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE CELLULAR PHONE POLICY

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the City of Lodi Cellular Phone Policy, as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED that this policy and procedure amendment shall become effective March 2, 2011.

Dated: March 2, 2011

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I hereby certify that Resolution No. 2011-27 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 2, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Katzakian, Nakanishi, and  
Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen and Mounce

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk

CITY OF LODI  
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

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SUBJECT: CELLULAR PHONE and SMART PHONE USE –  
Policy

DATE: MARCH 2, 2011

SECTION:

REFERENCE: ADMINISTRATIVE MEMORANDUM

SECTION 1: PURPOSE

The purpose of this policy is to establish guidelines and criteria for cellular phones and smart phones (wireless communication devices) used by City employees in order to contain costs, ensure departmental and personal responsibility and ensure proper use of communication devices.

SECTION 2: DEFINITIONS

- A. **Business Use:** Work-related tasks required to perform City-assigned duties.
- B. **Cellular Phone:** The phone, adapter, battery pack and other accessory equipment specific to phone used for City business purposes.
- C. **Smart phone:** Device that combines hardware, software and wireless connectivity, offering complete email, messaging and organizing, in addition to wireless telephone service provided through a cellular phone.

SECTION 3: POLICY

- A. 1. Cellular phones and smart phones may be issued to City staff based upon an analysis and justification taking into account cost, efficiency, alternative communication methods, and enhanced job performance. Each department director is eligible to receive a City-owned smart phone. Department directors shall determine which persons will require cellular phones or smart phones for business use. Sufficient justification exists for assignment of cellular phone (or smart phone) service when the director determines that the employee's business use involves:
  - a. Wide mobility and simultaneous access to the communications network; or
  - b. Timely, business critical two-way communication for which there is no reasonable alternative technology; or
  - c. Emergency support and back up from a mobile environment; or
  - d. Special circumstances necessary for the efficient and effective operation of City business.

2. Department directors shall be responsible for determining and documenting the initial and ongoing business need for the devices used in their departments. Employees who spend at least 80 percent of their time at a fixed work station are not eligible for a cellular phone unless they meet one of the qualifications listed above.

B. Communication devices may be City-Owned or Employee-Owned.

1. If a City-Owned device, the City will be responsible for paying all costs under the plan for business use. Personal use is not allowed, except for incidental purposes (such as emergencies, unforeseen issues relating to dependent care, etc.). These calls should be kept to a minimum, with all other personal business conducted on an employee-owned cell phone.

For anything other than occasional incidental use, employees shall reimburse the City at a rate of 10 cents per minute for minutes used, if the monthly bill does not exceed the plan allowance, or the actual cost, whichever is higher. This does not apply to calls outside the monthly minute allowance that are not billed by the carrier, although these calls should be limited to incidental use as well. The employee shall also reimburse the City for personal use of other phone features, such as texting or add-on services, at a per minute/per use rate established on an annual basis by the Deputy City Manager or the actual cost, whichever is higher. The established rates are intended to reimburse the City for the personal use share of the base billing charge, even if the personal-use minutes are within the plan's monthly minute allowance. Reimbursement shall be made using the *Cellular Telephone Use – Reimbursement for Personal Use* form.

Additional charges incurred for personal use of City-Owned devices, including roaming, long distance, over minute/messaging allowance due to personal use, etc. will be the full responsibility of the employee in addition to the per minute rate. The responsible department director shall ensure timely reimbursement of costs for personal use.

- a. Employees assigned a voice-only phone will be placed on no more than a 200-minute local share plan with free in-network mobile-to-mobile calling, or a per-minute consumption plan. Employees assigned a smart phone will be assigned to the plan with the fewest minutes allowed to qualify for a data plan, as well as free in-network mobile-to-mobile calling.
- b. Texting will be blocked on all phones unless otherwise justified to the department director. If approved, the most cost-effective solution – either per-text charge or low-cost texting plan – will be determined by the department director in consultation with the Information Systems Manager.
- c. On an as-needed basis, department directors may place employees on a plan with additional minutes with the consent of the Deputy City Manager.

- d. Phones that receive little to no use on a regular basis, but are intended to provide alternative communications in the event of emergencies or alarms, shall be placed on per-minute consumption plan.
  2.
    - a. If an Employee-Owned device, the City shall provide a monthly cellular stipend through the payroll system to an eligible employee in an amount no greater than 50 percent of the monthly minimum retail contract available for local government employees from major cellular companies that serve the region. If the City cost for an employee's cellular service is less than the stipend, the employee is not eligible for a stipend. The monthly stipend amount for qualifying cellular phones, smart phones or data plans shall be reviewed and set annually by the Deputy City Manager.
    - b. An employee whose job duties require around-the-clock or remote email access via "smart phone" is eligible to receive a monthly data stipend if the Employee-Owned smart phone has a mobile operating system that synchronizes automatically with his or her City email account. The data stipend is intended to cover phone-related taxes and a portion of the out-of-pocket costs an employee may incur in acquiring the phone. The Information Systems Manager shall determine what smart phones qualify for the smart phone stipend.
    - c. In the event an employee who is assigned a City-Owned device elects to use an Employee-Owned device, the City stipend will only be permitted if relinquishing the phone does not carry a financial penalty to the City. If the City is required to pay a penalty to the cell phone provider for early contract termination, the penalty amount shall be divided by the projected employee stipend to determine the number of months before the employee may receive the stipend.
    - d. Eligible employees are required to maintain an active cellular phone account for as long as they are receiving a stipend. Employees must show proof of an existing contract when applying for the stipend, annually or upon contract renewal, or at any time by the Deputy City Manager or department director. In no case shall the stipend exceed an employee's out-of-pocket cost under the terms of the employee's cellular contract. Prepaid phones do not qualify for a stipend.
  3. In the event an employee deemed eligible for a City-Owned device declines to accept the device and declines to meet eligibility requirements for an Employee-Owned device stipend, such as proof of a cellular contract, the employee may submit reimbursement claims to his/her supervisor for business use of the personal cell phone. The reimbursement rate shall equal the actual cost or a per-minute charge equal to the monthly plan minute allowance divided by the base charges, including tax, up to \$10 per month. No reimbursement will be made for calls that do not incur actual charges or count against the monthly minutes allotment, such as during nights/weekends or mobile-to-mobile. Reimbursements are not available to employees receiving a stipend for an Employee-Owned device or to an employee with a City-Owned device, except in cases where the

City-Owned device is inoperable. Reimbursement claims must include call details.

- C. All City-Owned devices and services shall be purchased in coordination with the Information Systems Division using the State of California Wireless Contract or a lower-cost contract. The Information Systems Division will set device, calling plan, data plan, security and service standards in coordination with department directors.
- D. Calling plans and, if applicable and approved, other features such as data access, messaging, push-to-talk, etc., are to be at a level appropriate for the employee's position to conduct city related business as determined by department directors.
- E. Cell phones should not be selected as an alternative to other means of communication when such alternatives would provide adequate but less costly service to the City. This includes the use of land line phones, radios, etc.
- F. The state of the art of cellular phone technology is rapidly changing and a great many varied packages and options are available. It is the desire of the City to standardize the purchase of communication devices as much as possible so as to have the fewest number of models in use. Such standardization will minimize the need for training and familiarization with various devices.
- G. Employees receiving a stipend or reimbursement for business-related calls on a personal cellular phone are required to make their cellular number available to their department directors and other City staff as determined by their immediate supervisors. In addition, for those employees expected to report to the City's Emergency Operations Center, their cellular phone number shall be provided to the City's Emergency Services Coordinator. Any change to an employee's personal cellular phone number is to be reported to his/her immediate supervisor within 24 hours of the change.
- H. Employees and departmental personnel shall not give out cellular phone numbers for everyday business use unless an exception is justified.
- I. Employees shall use desktop telephones rather than cellular phones to access their city voice mailbox whenever possible.
- J. Employees shall exercise due diligence to protect City-Owned equipment from loss, theft or damage. Should the device be lost, stolen or damaged, the employee's supervisor and department director is to be notified immediately and a police report completed in the case of theft.
- K. Invoices of City-Owned devices will be regularly analyzed to determine if the plans are cost-effective and free from personal use.

## SECTION 4:

## PROCEDURES

### A. Approval process

1. For City-Owned Devices, the department director shall complete the attached ***Cellular Telephone Authorization Form*** and submit to the Information Systems Division for device and plan purchase. The attached form identifies the user, the business need for the device (and data services, if applicable) and the proposed device plan and vendor. The Deputy City Manager may review justification forms for adequacy and refer requests back to the department director. The City Manager shall approve all exceptions to this policy's limits on plans, services and features for department directors.
2. Information Systems will not purchase Employee-Owned devices. Employees requesting a stipend shall obtain department director approval and submit one copy of the ***Cellular Telephone Authorization Form*** to the Finance Division Payroll section along with a copy to Information Systems. The attached form identifies the user and justification of the business need for the device (and data services, if applicable). In addition, a ***Personnel Action Form*** shall be submitted to Payroll specifying the amount of the stipend.

Information Systems will notify the employee designated to receive a City-Owned cell phone when the device is ready for pick-up. The phone will be issued with a battery, wall charger, belt clip and instruction manual. The employee will be issued copies of this policy and any operational instructions pursuant to this policy for his/her records. The employee will be required to sign the Cell Phone Procedures Memorandum for receipt of this device and accessories, and certify that he/she has received this Policy. If employment is interrupted by extended sick or annual leave in excess of 45 calendar days, employees or their supervisors must notify Information Systems so that phone service can be suspended while the employee is not available for duty.

Employees not assigned a smart phone will be assigned to either a per-minute billing plan or a 200-minute monthly plan with free mobile-to-mobile calling to other City-Owned phones, unless the Department head justifies a greater number of minutes on the ***Cellular Telephone Authorization Form***. The maximum price of the selected phone shall be determined annually by the Deputy City Manager. Employees assigned a smart phone will receive the minimum monthly plan as required by the network provider in order to receive a data plan, with a minimum of 200 minutes. The maximum unsubsidized price of the smart phone shall be determined annually by the Deputy City Manager, who also shall establish the maximum upfront cost of cellular phones and smart phones purchased with one-year contracts. The City will not purchase phones with contracts longer than one year. Department heads requesting an exception for Department head use must receive City Manager approval. All other requests for exceptions must be authorized by the Department head and the Deputy City Manager.

- B. 1. Eligibility Criteria: The following criteria will be used to determine the necessity of issuing a cellular communication device to an employee or as a pooled department phone:
- b. Employee is in the field more than 20% of his/her workday and needs to be readily available to other employees, officials or the public where the use of a two-way radio is impractical or not cost effective; or
  - c. Employee's normal duties require communicating with other employees, officials or the public outside regular work hours on a consistent basis; or
  - d. A cellular phone would provide necessary telephone access where no telephone services otherwise exists and where it is not practical or cost effective to install land line services; or
  - e. A cellular phone is needed for the safety of staff or the public.
2. Criteria for add-on features (data, messaging, push-to-talk, etc.)
- a. Employee is in need of accessing email or the internet while away from their office or outside normal working hours due to time sensitive or urgent matters on a consistent basis; or
  - b. Use of messaging (text messaging and/or picture messaging) or push-to-talk features are the most economical means of communicating in the course of performing duties in terms of both dollar savings and staff time savings.
- G. The fewest number of City accounts will be utilized in order to gain the greatest benefit of shared plan minutes. The Deputy City Manager or his/her designee will approve for payment the master account, utilizing business units indicated on ***Cellular Telephone Authorization*** forms. Copies of individual invoices will be forwarded to departments for review along with ***Cellular Telephone Services - Reimbursement for Personal Use*** forms. Employees issued cellular phone devices will have 30 days from department receipt to complete, certify and return the ***Cellular Telephone Services - Reimbursement for Personal Use*** form along with any applicable reimbursement to the Finance Division.
- H. Upon employee separation or when a previously determined need no longer exists, the Department director shall complete a ***Cellular Telephone Authorization*** form requesting termination of services or stipend. City-issued equipment assigned to the employee shall be returned with the completed form to the Information Systems Division. In the event the stipend is terminated, the Department director shall return the completed form to payroll.